

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WOLVERINE WORLD WIDE, INC.,

Plaintiff,

v.

Case No. 1:19-cv-00010-JTN-SJB

THE AMERICAN INSURANCE COMPANY, et. al,

Defendants.

Honorable Janet T. Neff

Mag. Judge Sally J. Berens

Special Master Paula Manderfield

TRAVELERS FIRST AMENDED DISCLOSURE OF RULE 26(a)(2)(A) EXPERT WITNESSES

Pursuant to the Initial Case Management/Scheduling Order entered on July 11, 2019, and the Special Master's January 17, 2020 Order Granting Leave to File Substitute Expert Witness (ECF No. 262), Defendant The Travelers Indemnity Company and Counter-Claimants The Travelers Indemnity Company of Illinois n/k/a Travelers Property Casualty Company of America, Northfield Insurance Company, St. Paul Fire and Marine Insurance Company, The Aetna Casualty and Surety Company n/k/a Travelers Casualty and Surety Company and Travelers Property Casualty Company of America (collectively, "Travelers"), hereby disclose the following experts that it may use in this action. Travelers specifically reserves the right to supplement this Expert Disclosure in accordance with the Federal Rules of Civil Procedure. In submitting this Expert Disclosure, Travelers notes that the parties have yet to complete discovery efforts. Accordingly, Travelers specifically reserves the right to modify, amend, or withdraw any aspect of this Expert Disclosure. Subject to the limitations set forth above, Travelers identifies the following individuals who may serve as expert witnesses on its behalf in this action:

1. Douglas Swanson
Roux Environmental
209 Shafter Street
Islandia, New York 11749-5074

Area of Expertise: Environmental Contamination and Remediation

Travelers expects Mr. Swanson to provide expert testimony with respect to the sources, nature and extent of the environmental contamination that is the subject of the underlying actions for which Wolverine seeks insurance coverage in this action. Mr. Swanson's testimony may include, without limitation, expert testimony relating to the sources, causation, and timing of contamination; release mechanics; the sudden, accidental, expected, and/or intentional nature of Wolverine's disposal and/or release of contaminants; and review and analysis of historical photography.

2. John "Jack" S. Pierce
Hinshaw & Culbertson LLP
One California Street, 18th Floor
San Francisco, CA 94111

Area of Expertise: Reasonableness and Necessity of Wolverine's Defense Costs

Travelers expects Mr. Pierce to provide expert testimony with respect to the reasonableness and necessity of the defense costs Wolverine has incurred and continues to incur with respect to the underlying actions for which Wolverine seeks insurance coverage in this action. Mr. Pierce's testimony may include, without limitation, an examination of the reasonableness of the rates charged by Wolverine's selected counsel and testimony regarding the reasonableness and necessity of the work performed, including with regard to the selection of, and staffing by, counsel.

3. Richard Hughto
Richard Hughto Consulting Engineer
7 Cornell Road
Wellesley, MA 02482

Area of Expertise: Classification of Costs

Travelers expects Mr. Hughto to provide expert testimony with respect to the classification of the investigation and response costs incurred with respect to the environmental contamination that is the subject of the underlying actions for which Wolverine seeks insurance coverage in this action. More specifically, Mr. Hughto's testimony may include, without limitation, a sorting of the pertinent environmental investigation and/or response costs between those costs that were incurred for purposes of the defense of the underlying actions and those

costs that were incurred for remediation or for any other purpose. Mr. Hughto will also examine the reasonableness and necessity of the investigation and response costs that have been incurred for the defense of the underlying actions or that are expected to be incurred for that purpose, if any.

4. Earl J. Imhoff
Verisant, LLC
250 East Fifth Street, Suite 1500
Cincinnati, OH 45202

Area of Expertise: Insurance Industry Custom and Practice

Travelers expects Mr. Imhoff to provide expert testimony with respect to the custom and practice in the insurance industry regarding an insured's notification of environmental claims to its insurer, the insured's selection and retention of counsel for the defense of environmental claims, the insured's request that its insurer participate in the defense of environmental claims, and the insurer's participation in the defense of the insured for environmental claims. Mr. Imhoff's testimony may include, without limitation, insurance industry custom and practice with respect to an insurance carrier's *pro rata* participation in the defense of the insured in environmental claims. Mr. Imhoff may also testify regarding insurance industry custom and practice regarding the method for calculating an insurer's allocation of its *pro rata* share of defense costs.

The individuals identified in this Disclosure may be contacted through the undersigned counsel.

Respectfully submitted,

s/Patrick E. Winters
Charles W. Browning (P32978)
Patrick E. Winters (P62794)
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***Attorneys for Defendant The Travelers
Indemnity Company and Counter-
Claimants The Travelers Indemnity***

***Company of Illinois n/k/a Travelers
Property Casualty Company of America,
Northfield Insurance Company, St. Paul Fire
and Marine Insurance Company, The Aetna
Casualty and Surety Company n/k/a
Travelers Casualty and Surety Company
and Travelers Property Casualty Company
of America***

Dated: January 31, 2020

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CERTIFICATE OF SERVICE

I do hereby certify that on the 31st day of January, 2020, I served a true and correct copy of the foregoing document and this Certificate of Service upon all counsel of record with the Clerk of the Court using the electronic filing system, which will send notification of this filing to all counsel of record.

Respectfully submitted,

s/Patrick E. Winters

Patrick E. Winters (P62794)

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